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# Executive summary

## Note by the Secretariat

**Addendum**

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# II. Executive summary

## Kingdom of Bahrain

### 1. Introduction: Overview of the legal and institutional framework of the Kingdom of Bahrain in the context of implementation of the United Nations Convention against Corruption

The Kingdom of Bahrain signed the Convention on 8 February 2005, and the King of Bahrain ratified it on 4 February 2010. The Kingdom of Bahrain deposited its instrument of ratification with the Secretary-General of the United Nations on 5 October 2010.

Article 37 of the Constitution provides that the generally accepted rules of international law and international conventions that are ratified by law and come into force shall be an integral part of the domestic law of the Kingdom of Bahrain and prevail over any provisions of domestic law that contradict them.

The courts are divided into criminal and civil courts of two levels, first instance and appeal, above which operates the Court of Cassation. The judicial system also includes the Constitutional Court. Criminal procedure follows an inquisitorial system consisting of two phases: investigation and trial.

Bahrain has several anti-corruption agencies, most notably the General Directorate for Combating Corruption and for Economic and Electronic Security, which is part of the Ministry of the Interior and consists of a number of directorates, including the Directorate for Combating Corruption Offences and the Financial Investigations Unit. Moreover, the public prosecution service plays a leading role in the fight against corruption.

### 2. Chapter III: Criminalization and law enforcement

### 2.1. Observations on the implementation of the articles under review

*Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Articles 186 to 189 of the Criminal Code make it an offence for a public official or public servant to solicit or accept a bribe. Articles 191 and 192 establish additional penalties.

Article 190 of the Criminal Code criminalizes the offering or promising of a bribe to a public official or public servant who does not accept the offer or promise. If the offer or promise is accepted, the articles criminalizing acceptance of a gift by a public official apply. The briber and the intermediary are punishable as accomplices to the offence pursuant to the general provisions on participation contained in articles 44 and 45 of the Criminal Code.

Article 190 bis of the Criminal Code criminalizes the bribery of a public official or public servant by a foreign State, but this does not include bribery of an official of a public international organization.

Bahrain also criminalizes the seeking or acceptance of a bribe by a foreign public official under article 190 bis read together with article 44 of the Criminal Code. Those provisions do not apply to officials of public international organizations.

Moreover, article 44 does not apply where a foreign public official has solicited but not obtained a bribe.

Article 202 of the Criminal Code criminalizes the solicitation or acceptance by a public official of any undue advantage in return for exercising his influence, but does not cover "any other person". In such cases, a person who has offered a bribe has, in so doing, committed an offence under the provisions of articles 44 and 45 of the Criminal Code (participation) read together with article 202, but only if the offer is accepted.

The Kingdom of Bahrain establishes as an offence the promise, offer or giving of a bribe in the private sector under articles 421 and 422 of the Criminal Code. It also establishes criminal liability for the solicitation or acceptance of bribes in the private sector under articles 418, 419 and 420 of the Criminal Code.

*Money-laundering, concealment (arts. 23 and 24)*

The Kingdom of Bahrain criminalizes laundering of the proceeds of crime under article 2 of Legislative Decree No. 4 of 2001 on the prevention and prohibition of money-laundering and financing of terrorism, as amended by Act No. 25 of 2013. However, that article does not expressly criminalize concealment of the true nature, source, location, means of disposal, movement, ownership of or rights with respect to property in the knowledge that such property constitute the proceeds of crime. The provisions of the Criminal Code on attempt and participation apply to that offence.

Predicate offences include all offences punishable by law in Bahrain, in addition to a list of offences including bribery, embezzlement, damage to public property, abuse of office or influence and illicit enrichment. Predicate offences include offences that take place within or outside the Kingdom, without the requirement of dual criminality. Self-laundering is not excluded.

Article 398 of the Criminal Code criminalizes "the concealment of things obtained through crime".

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Articles 194 to 201 of the Criminal Code deal with the offences of "embezzlement of and damage to public property".

Although there is no specific offence of abuse of functions by a public official, chapter III of the Criminal Code deals with "abuse of office or influence" (articles 202-206) and chapter IV with "misuse of office or influence" (article 207 to 213) and several aspects of such conduct can be described as "abuse of functions".

The Kingdom of Bahrain criminalizes illicit enrichment under articles 6, 9 and 11 of Act No. 32 of 2010 on financial disclosure.

The Kingdom of Bahrain criminalizes embezzlement of property in the private sector under articles 424 and 425 of the Criminal Code.

*Obstruction of justice (art. 25)*

Article 238 of the Criminal Code establishes as an offence the act of using coercion or threats or offering or promising a gift or advantage of any kind in order to induce another not to testify or to testify falsely where the offender fails to achieve his or her intended objective. If the offender does achieve his or her objective, those actions are punishable under article 363 in the case of threats by any means, including the use of physical force, and under article 235, read together with article 44, paragraph 1, of the Criminal Code in relation to incitement in the case of the offer or promise of a gift or advantage.

Bahraini legislation does not, however, criminalize the use of physical force, threats or intimidation or the promise, offer or giving of an undue advantage to induce the giving of evidence in proceedings related to an offence established in accordance with the Convention.

Article 220 of the Criminal Code criminalizes the use of force, violence or threats to interfere with an official's conduct of his or her work.

*Liability of legal persons (art. 26)*

Bahraini legislation does not provide for the criminal liability of legal persons except in the case of the offence of money-laundering, nor has Bahrain established the civil and administrative liability of legal persons with respect to participation in an offence established in accordance with the Convention.

Under Bahraini legislation, legal persons are not liable for participation in an offence established in accordance with the Convention, except in relation to money-laundering offences.

*Participation and attempt (art. 27)*

Criminal participation is covered by articles 43, 44 and 45 of the Criminal Code, and attempt by articles 36 to 40. Attempt is punishable with respect to felonies, but not with respect to misdemeanours except in cases prescribed by law. This prevents the punishment of attempt to commit certain corruption offences, such as offering a bribe to a public official that is not accepted (article 190) and offering a bribe to a foreign public official (article 190 bis).

Bahraini law does not punish acts preparatory to the commission of an offence.

*Knowledge, intent and purpose as elements of an offence (art. 28)*

Article 253 of the Code of Criminal Procedure provides for the freedom of the judge in ruling on a case, which allows the judge to infer from objective factual circumstances the presence of the element of knowledge, intent or purpose.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

Bahrain has adopted penalties for corruption offences ranging from three months' to fifteen years' imprisonment, depending on the gravity of the offence. Immunities do not seem to constitute an impediment to the effective prosecution of such offences.

Members of the Consultative Council and the Council of Representatives enjoy immunity, except in cases where they are discovered in the act of committing an offence (article 89 (c) of the Constitution). When those bodies are in session, no criminal proceedings may be brought against a member without the permission of the council of which he or she is a member. In periods between sessions, the permission of the President of the Council must be sought. Unless he or she is discovered in the act of committing an offence, a judge may be arrested and detained only after permission has been obtained from the Supreme Judicial Council at the request of the Prosecutor General (article 43 of Legislative Decree No. 42 of 2002 promulgating the Judicial Authority Act).

Bahrain has adopted the principle of legality.

Detention pending trial is possible in the case of corruption offences. Release pending trial is possible with or without bail, after the accused has designated a place of residence in which he will reside. The individual may also be requested to present himself at the police station at prescribed times. All persons sentenced to imprisonment may be released on parole after serving three quarters of their sentence and performing all financial obligations.

A public official may be suspended from his or her duties for a period not exceeding six months if the interests of an investigation concerning him or her so require. Moreover, any public official placed in preventive detention is suspended from his or her duties while he or she is detained. Bahrain does not provide measures for the removal or transfer of an accused public official.

The Criminal Code establishes the penalty of disqualification and deprivation of the right to hold public office. The legal system of Bahrain does not, however, provide for the disqualification of persons convicted of acts of corruption from holding office in an enterprise owned in whole or in part by the State.

In cases of corruption, disciplinary sanctions may be imposed under articles 22-24 of the Civil Service Act, in addition to criminal sanctions.

While Bahrain does not have dedicated follow-up programmes for convicted persons after release with a view to social reintegration, such persons are required, during their imprisonment, to undertake work to facilitate their social rehabilitation. Moreover, after a certain period has elapsed following completion of their sentence, convicted persons may request rehabilitation.

Bahrain has not adopted measures to grant immunity from prosecution to perpetrators of offences who cooperate with the judicial authorities, although such cooperation may be taken into account in bribery and money-laundering cases, in which persons who cooperate with those authorities may benefit from commutation or remission of sentence if they report an offence to the authorities before it is carried out (article 193 of the Criminal Code and article 3 of the Money-Laundering Act). Except in money-laundering cases, there is no requirement to provide the competent authorities with factual, specific assistance that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds. Bahrain has prepared a draft law on the subject of settlements in corruption cases.

Persons who cooperate with the judicial authorities can benefit from the protection provided for under article 127 bis of the Code of Criminal Procedure.

Bahrain may enter into agreements to provide for the possibility of commutation or remission of sentence in the case of persons who cooperate with the judicial authorities and who are located abroad.

*Protection of witnesses and reporting persons (arts. 32 and 33)*

Article 127 bis of the Code of Criminal Procedure establishes a number of measures to protect victims, witnesses and persons who provide information relating to a case, including change of residence, change of identity and prohibition of the disclosure of any information concerning the identity, whereabouts or place of residence of protected persons.

The Code of Criminal Procedure provides for a set of rules on the submission of evidence that are designed to guarantee the safety of witnesses and persons with information concerning a case, including the possibility of using modern audiovisual media in order to ensure the conditions necessary for their protection.

Bahrain may also conclude agreements on change of residence.

The Code of Criminal Procedure also allows the possibility of submission of the views and concerns of victims through the use of modern technical means.

Bahraini legislation does not provide legal protection for whistleblowers.

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

Article 64 of the Criminal Code provides for the possibility of confiscating the proceeds of crime and things that were or may have been used in the commission of an offence. Confiscation must be based on a conviction. Bahraini law allows confiscation on the basis of value. It does not explicitly provide for the possibility of seizure and confiscation of property into which the proceeds of crime have been transformed or converted or property that has been intermingled with the proceeds of crime up to the assessed value of the intermingled proceeds.

With regard to money-laundering, the law provides for the confiscation of money that is the subject of the offence or any money owned by the convicted person or his or her spouse or minor children equal in value to the money that is the subject of the offence. However, the law does not provide for the freezing, seizure and confiscation of proceeds or other assets derived from the proceeds of crime.

Articles 89 to 103 of the Code of Criminal Procedure and articles 6 and 7 of Legislative Decree No. 4 of 2001 on the prevention and prohibition of money-laundering provide for a wide range of investigative measures and tools for the identification, tracing, freezing and confiscation of the proceeds of crime.

Under article 99 of the Code of Criminal Procedure, the High Criminal Court may, when it issues an order to seize funds, appoint a person to administer the seized funds. However, reliance on the general provisions relating to the agent as provided for in the Civil Code is in practice inadequate with respect to complex property management (stocks, companies, etc.).

Bahraini legislation does not regulate the administration of confiscated funds.

Access to or seizure of banking, financial or commercial records may be requested on the authorization of the judge of the court of first instance.

Article 6 of Act No. 32 of 2010 on financial disclosure deals with the burden of proof with respect to the offence of illicit enrichment.

The Code of Criminal Procedure and the Money-Laundering Act provide for protection of the rights of bona fide third parties.

Banking secrecy does not seem to be an obstacle to criminal investigations since it may be lifted pursuant to the provisions of law or the international conventions to which the Kingdom is a party, or pursuant to an order issued by a competent court or in implementation of an order issued by the Central Bank (article 117 of the Central Bank of Bahrain and Financial Institutions Act; article 7 of the Money-Laundering Act).

*Statute of limitations; criminal record (arts. 29 and 41)*

Article 18 of the Code of Criminal Procedure establishes a statute of limitation of 10 years for felonies, three years for misdemeanours and one year for minor offences from the day on which the offence took place. The statute of limitations period for the offence of embezzlement in the public sector does not begin until the date on which a public official leaves his post, unless the investigation has begun before that date. Article 3 of Legislative Decree No. 4 of 2001 stipulates that the provisions on the statute of limitations do not apply to money-laundering offences. The statute of limitations period for illicit enrichment offences runs only from the date on which the person who has left an office or position submits his or her financial disclosure report.

The statute of limitations period is not suspended if the accused evades the administration of justice. However, it is interrupted by investigation, indictment or trial and by evidence-gathering procedures.

Under article 12 of the Criminal Code, final criminal convictions handed down by foreign courts may be invoked, including to apply the provisions on recidivism, multiple offences and parole.

*Jurisdiction (art. 42)*

The Kingdom of Bahrain has established its jurisdiction with respect to most of the situations referred to in article 42, with the exception of corruption offences committed abroad by a stateless person who has his or her habitual residence within its territory and corruption offences committed against the Kingdom of Bahrain or against its nationals.

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

Bahrain has taken measures to address the consequences of corruption, including the possibility for the Tender Board to annul or rescind a purchase contract if a supplier or contractor has influenced the outcome of a tender by offering bribes and inducements to any employee of the purchasing body, the Board or any governmental entity (articles 55 and 65 of the Legislative Decree regulating tenders and government procurement).

Paragraphs 158, 160 and 161 of the Civil Code provide for civil liability for damage. Articles 22 and 32 of the Code provide that the accused may be sued during

investigation or the collection of evidence or before the court hearing the criminal case.

*Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

In 2011, Bahrain raised the organizational level of the Directorate for Combating Economic Crimes, part of the Ministry of the Interior, to that of General Directorate for Combating Corruption and for Economic and Electronic Security. The General Directorate comprises the Directorate for Combating Corruption, the Directorate for Combating Cybercrime, the Directorate for Combating Economic Crime, the Financial Investigations Directorate, the Research and Investigation Directorate and the International Affairs and INTERPOL Directorate. The General Directorate's work is not restricted to criminal matters but also includes prevention and the operation of a national hotline for the confidential reporting of corruption.

The structure consisting of the various law enforcement agencies and criminal justice institutions, linking police agencies with the prosecution authorities, appears to work effectively, especially since referral to public prosecution takes place electronically. It also appears that these authorities are given adequate training, resources and independence.

With regard to cooperation between the national authorities, article 48 of the Code of Criminal Procedure and article 230 of the Criminal Code require all public officials and persons in public service immediately to report the commission of an offence that comes to their knowledge in the course or as a result of the performance of their duties.

Moreover, the Money-Laundering Act requires a number of private sector entities, including banks, financial institutions, insurance companies, auditors and lawyers, to inform the Financial Investigations Unit of any suspicious operation, and to provide any additional information or assistance requested by the Unit. The Unit has also participated in training and awareness activities for private-sector entities.

The Kingdom of Bahrain has also set up three hotlines for the reporting of corrupt practices, guaranteeing the confidentiality of information and data relating to whistleblowers.

It conducts national media campaigns every year on International Anti-Corruption Day. Financial rewards are given to anyone who cooperates and reports corruption.

## 2.2. Successes and good practices

Overall, the highlights of the successes and good practices in the implementation of chapter III of the Convention are:

- The statute of limitations provisions are not applied to money-laundering offences (article 29)
- In the case of illicit enrichment offences, the statute of limitations period runs only from the date on which the financial disclosure report is submitted after the official concerned has left his or her office or position (article 29)
- In the case of offences relating to embezzlement and damage to property that are committed by public officials or public service employees, the statute of limitations period runs only from the date on which the persons leaves office

or his or her mandate ends, unless the investigation of the offence has begun before that date (article 29)

- The use of modern technology to link the public prosecution service to police stations electronically, which accelerates investigation procedures and referral and facilitates follow-up and the extraction of statistics.

### 2.3. Challenges in implementation

In order to further strengthen existing anti-corruption measures, the Kingdom of Bahrain may wish to:

- Criminalize bribery of officials of public international organizations (article 16, paragraph 1)
- Consider establishing as an offence the unsuccessful solicitation by a foreign public official of a bribe and the solicitation or acceptance of a bribe by an official of a public international organization (article 16, paragraph (a))
- Consider establishing as an offence the promise, offering or giving to a public official of an undue advantage in order that the official abuse his or her influence, even where the promise, offer or giving is not accepted by the public official. In addition, Bahrain may wish to consider criminalizing the promise, offering or giving of an undue advantage to "any other person" to whom the definition "public official" does not apply in order that that person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage (article 18, paragraph (a))
- Consider criminalizing the solicitation or acceptance by "any other person" to whom the definition "public official" does not apply of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage (article 18, paragraph (b))
- Consider making "abuse of functions" a specific offence, given that several forms of abuse of functions have been criminalized (article 19)
- Explicitly criminalize the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, in the knowledge that such property is the proceeds of crime (article 23, paragraph (a)(ii))
- Explicitly criminalize the use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with the Convention (article 25, paragraph (a))
- Establish the (criminal, civil or administrative) liability of legal persons also in cases other than laundering of the proceeds of crime and make such legal persons subject to effective, proportionate and dissuasive criminal or non-criminal sanctions when they participate in the criminal offences established in accordance with the Convention (article 26, paragraphs, 1, 2 and 4)

- Criminalize any attempt to offer a bribe to a public official where the bribe is not accepted or to offer a bribe to a foreign public official (article, 27, paragraph 2)
- Criminalize acts preparatory to the commission of an offence (article 27, paragraph 3)
- Consider establishing procedures through which a public official accused of a corruption offence may be removed or reassigned (article 30, paragraph 6)
- Consider establishing procedures through which persons convicted of corruption offences may be disqualified from holding office in an enterprise owned in whole or in part by the State (article 30, paragraph 7 (b))
- Endeavour to take additional measures to promote the reintegration into society of persons convicted of corruption offences (article 30, paragraph 10)
- Improve regulation of the administration of frozen or seized property and take measures to regulate the management of confiscated property (article 31, paragraph 3)
- Consider making explicit provision for the seizure and confiscation of property that has been transformed or converted from the proceeds of crime or property that has been intermingled with the proceeds of crime up to the assessed value of the intermingled proceeds (article 31, paragraphs, 4 and 5)
- Amend Bahraini legislation to include the possibility of seizure and confiscation of income and benefits derived from the proceeds of crime. (Article 31, paragraph 6)
- Consider extending the possibility of reversing the burden of proof with regard to the lawful origin of property to cases other than those relating to illicit enrichment (article 31, paragraph 8)
- Consider taking the measures necessary to provide any person who reports corruption with protection against any unjustified treatment (article 33)
- Take further measures to encourage persons who participate or have participated in the commission of an act of corruption to provide useful information to the competent authorities for investigation and prosecution, and to provide specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and recovering such proceeds (article 37, paragraphs 1 and 2)
- Establish its jurisdiction over corruption offences committed abroad by a stateless person who has his or her habitual residence within its territory and corruption offences committed against the Kingdom of Bahrain or its citizens.

### 3. Chapter IV: International cooperation

Bahrain has a comprehensive system to combat corruption through international cooperation. However, it is difficult to assess in detail the provision by Bahrain of mutual legal assistance in corruption cases owing to a lack of relevant data.

### 3.1. Observations on the implementation of the articles under review

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)*

There is no separate law on extradition in Bahrain, but this issue is regulated by the provisions of the Code of Criminal Procedure on the extradition of suspects and convicted persons and on letters rogatory, in addition to the provisions of the bilateral and multilateral agreements in force.

Extradition proceedings in Bahrain include a judicial procedure and an administrative procedure.

Extradition requests are submitted through diplomatic channels for transmission to the Ministry of Justice. The High Criminal Court has jurisdiction over extradition requests and whether they meet the required conditions and comply with the relevant procedures. The High Criminal Court issues a reasoned judgement on the extradition request and communicates it to the Minister of Justice. The Minister issues a decision to extradite or not to extradite.

Extradition may be carried out regardless of the existence of an extradition treaty, provided that the requirements of the Code of Criminal Procedure, including the requirement of dual criminality, are fulfilled. Nevertheless, Bahrain considers the Convention a legal basis for extradition.

Extradition is not possible in the absence of dual criminality.

The offences for which extradition is permitted are those punishable by imprisonment for at least one year, or those in connection with which the person whose extradition is sought has been sentenced to at least six months' imprisonment.

The offences provided for in the Convention against Corruption may be considered as a basis for extradition if the conditions relating to dual criminality and the minimum period of imprisonment are met. Those offences have been criminalized in Bahrain (with the exception of the offences set forth in article 16, paragraph 1, and article 25 (a)), since they are punishable by at least one year's imprisonment.

The fact that an offence involves financial matters does not constitute a ground for refusal of a request for extradition.

Bahrain does not consider any act of corruption to be political.

Bahrain has not taken sufficient measures to expedite extradition procedures and to simplify evidentiary requirements concerning them.

Bahrain recognizes the principle of *aut dedere aut judicare* ("extradite or prosecute"), but that principle is not set out in its legislation. Bahrain does not extradite its own citizens.

Bahrain may detain a person whose extradition is sought under the provisions of article 421 of the Code of Criminal Procedure. The Constitution and the Code of Criminal Procedure establish guarantees of fair treatment which are applicable to extradition proceedings.

A person who is to be extradited may lodge an appeal to the court that issued the extradition order to review the extradition request in the light of new facts, or

appeal to the Minister of Justice, after he or she has been informed of the court's decision.

Bahraini legislation does not provide for the implementation of criminal judgements issued by foreign courts, with the exception of implementation of ancillary penalties which have civil effect.

The authorities also indicated that, in practice, consultations with the requesting State take place before a request is refused.

Bahrain has concluded several extradition treaties.

Bahrain has also concluded several bilateral and regional treaties on the transfer of sentenced persons.

Although the Kingdom applies the general principle of wide-ranging cooperation and has already requested the transfer of proceedings in one case of money-laundering, it does not have a procedural framework regulating the process of transferring criminal proceedings.

*Mutual legal assistance (art. 46)*

There is no separate law on mutual legal assistance in Bahrain; this issue is governed by the provisions contained in the Code of Criminal Procedure on the extradition of suspects and convicted persons and on letters rogatory, in addition to the provisions of the bilateral and multilateral agreements in force. The provisions of the Convention may also be applied directly to obligations with respect to mutual legal assistance.

The central authority responsible for mutual legal assistance is the Ministry of Justice. Bahrain accepts requests submitted in Arabic and English, but the Secretary-General of the United Nations has not been notified of this.

Requests are sent through diplomatic channels and referred to the High Criminal Court through the Ministry of Justice. In case of urgency, the request may be made through direct communication, even orally, between the competent judicial authorities, pending receipt of a request sent through diplomatic channels. Requests may also be made through INTERPOL.

If the High Criminal Court agrees to the request, after verifying that its implementation does not violate public order in the Kingdom of Bahrain, it nominates a judge or public prosecutor to conduct the investigation in accordance with the conditions established in the Code of Criminal Procedure.

The Money-Laundering Act also addresses requests for assistance from a foreign State, establishing that the Financial Investigations Unit executes requests for assistance relating to money-laundering offences, and various orders may be issued for that purpose by the investigating judge.

Bahrain can provide assistance in the absence of dual criminality and in the absence of a treaty. In the context of mutual legal assistance, the same package of measures and procedures is available as in domestic criminal proceedings. The same provisions on mutual legal assistance apply in relation to natural persons and legal persons.

While there is no legislation on the automatic exchange of information, such exchange has taken place between Bahrain and other States.

Although Bahrain does not have domestic procedures regulating the transfer and reception of detainees or persons serving a sentence, its bilateral treaty with India refers to this matter.

Articles 82 and 223 bis of the Code of Criminal Procedure regulate the questioning of the accused and hearing of witnesses, and the submission of information on the case through the use of modern audiovisual technology. Bahrain has experience in this area in relation to requests for mutual legal assistance.

Under the Code of Criminal Procedure, banking secrecy and the involvement of fiscal matters are not grounds for refusing mutual legal assistance.

Bahrain complies with requests to maintain the confidentiality of an application and its content on the basis of direct application of the Convention (article 37 of the Constitution). On the same basis, Bahrain can also provide mutual legal assistance in line with the provisions of article 46 of the Convention when dealing with requests made by States Parties which have no agreement with Bahrain on this matter.

Bahrain has concluded several bilateral and multilateral agreements on mutual legal assistance. The provisions of such agreements are consistent with the relevant provisions of the Convention.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

The Bahraini law enforcement authorities cooperate through a number of mechanisms and networks, including INTERPOL and the Egmont Group of Financial Intelligence Units, while the Financial Investigations Unit in particular cooperates with its foreign counterparts, including in matters relating to asset recovery.

Bahrain has a wide range of tools for communication and analysis at the international level. It uses the usual channels of communication and secure secret channels such as the I-24/7 database of INTERPOL and the Egmont system.

The Kingdom of Bahrain considers the Convention to be a basis for mutual cooperation in the field of law enforcement. Bahrain has also signed several cooperation agreements in the field of security (an agreement between the Gulf Cooperation Council States and agreements with France, the Islamic Republic of Iran, Qatar, Saudi Arabia, Turkey and Yemen) and memoranda of understanding between the Ministry of Interior of the Kingdom of Bahrain and its counterparts in other countries (Egypt, the Islamic Republic of Iran, Jordan, Morocco, Pakistan, the Russian Federation and the United States of America), while the money-laundering and financing of terrorism unit has signed several memoranda of understanding with its counterparts (Algeria, Bermuda, Japan, Jordan, Sweden, Tunisia and the United Kingdom).

Bahrain has a specific law on information technology offences that makes it possible to punish anyone who has committed an offence provided for in any other law through any information technology system or medium. Bahrain also has a

specific directorate to combat cybercrime, that directorate forming part of the General Directorate for Combating Corruption and for Economic and Electronic Security.

Bahrain has not previously exchanged personnel.

The Kingdom of Bahrain has no legislation, agreements or arrangements governing joint investigations, and has not considered concluding such agreements.

With regard to corruption offences, the special investigative techniques provided for in the Code of Criminal Procedure may be applied, including the monitoring of communications and recording of conversations. Subject to authorization by the judge of the court of first instance, controlled deliveries and covert operations may also be carried out in corruption cases.

### 3.2. Successes and good practices

Overall, the highlights of the successes and good practices in the implementation of chapter IV of the Convention are the following:

- Bahrain has adopted a flexible approach to extradition, whether using the Convention as a legal basis or in the absence of an extradition treaty (article 44, paragraphs 5 and 7)
- Bahrain can provide mutual legal assistance in the absence of dual criminality (article 46, paragraph 9)

### 3.3. Challenges in implementation

The following steps would further strengthen existing anti-corruption measures:

- It is recommended that Bahrain tailor its information to allow it to collect data and provide more detailed statistics on requests for international cooperation
- Bahrain may wish to allow the extradition of persons for offences that are not punishable under domestic law (article 44, paragraph 2)
- It may also wish to ensure that acts that have yet to be criminalized (see challenges relating to the implementation of chapter III) are considered extraditable offences (article 44, paragraphs 1, 4 and 7)
- In order further to improve extradition procedures, it is recommended that Bahrain seek to accelerate and simplify these procedures in relation to evidentiary requirements (article 44, paragraph 9)
- It is recommended that Bahrain notify the Secretary-General of the United Nations of the name of the central authority and the languages acceptable to the Kingdom of Bahrain in relation to requests for mutual legal assistance (article 46, paragraphs 13 and 14)
- Bahrain may wish to consider the possibility of developing domestic procedures regulating the transfer and reception of detainees or persons serving a sentence (article 46, paragraphs 10 to 12)
- It may also wish to consider establishing a procedural framework governing the process of transfer of criminal proceedings (article 47)

- Bahrain is encouraged to enhance cooperation in the field of law enforcement, including through the exchange of personnel (article 48, paragraph 1 (e))
- Bahrain may wish to consider concluding bilateral or multilateral agreements or arrangements whereby the authorities concerned may establish joint investigative bodies (article 49).